IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

Con.Case(C).No. 1369 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.21482/2007 Dated 16/07/2007

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PETITIONER/PETITIONER

P.K.ABDUL RAHIM,
S/O ABRAHAM, AGED 56 YEARS,
P.O.TEMPLE GATE,
NOW RESIDING AT GREENLAND HOME,
P.O.AZHIYOOR, CALICUT DISTRICT.

BY ADV. SRI.P.V.MADHAVAN NAMBIAR
SRI.M.A.KHADIRKUNJU

RESPONDENTS: RESPONDENTS

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1. P.RAGHAVAN,
FATHER'S NAME AND AGE NOT KNOWN,
(SECRETARY IN-CHARGE ON 18.7.2007),
NEW MAHE GRAMA PANCHAYAT,
P.O.PERINGADU.

2. MADHU,
FATHER'S NAME AND AGED NOT KNOWN,
PRESENT SECRETARY,
NEW MAHE GRAMA PANCHAYAT,
P.O.PERINGADU.

BY ADV. SRI. M.K. SUMOD.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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Cont. Case (C) No. 1369 of 2007

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Dated this the 28th day of September, 2007

JUDGMENT

In Annexure A judgment passed in the writ petition filed by the petitioner this court had inter alia stated that Ext.P7 is only a provisional notice and it is open to the petitioner to contend that no reliance can be placed on Ext.P8 and the matter directed to be identified can be done only on the basis of Exts.P4 and P5. No doubt the court observed that needless to say the respondents are bound by Ext.P2. Ext.P2 is the order of the Tribunal in the earlier round, as per which the Tribunal directed that the matter has to be identified on the basis of the report of the Engineer. After that Annexure D order is passed, which according to the petitioner will constitute contempt. It is his case that though this court directed that the petitioner can contend that no reliance can be placed on Ext.P8 and reliance can be made on Exts.P4 and P5, no such contention has been relied on and no opportunity was given for that. Petitioner had admittedly approached the Tribunal by way of filing appeal and the matter is pending

consideration before the Tribunal. There is also an interim order, it is stated.

Having regard to the terms of the judgment, I do not think that a case is made out for initiating action in contempt. Accordingly the Contempt of Court Case is closed. This will be without prejudice to the prosecuting of the appeal filed before the Tribunal.

(K.M. JOSEPH, JUDGE)

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